

**CITY OF PARK RAPIDS  
REGULAR MEETING  
PLANNING COMMISSION  
MARCH 22, 2021, 6:00 p.m.  
Park Rapids City Hall, 212 Second Street West  
Park Rapids, Minnesota**

**1. CALL TO ORDER:** The March 22, 2021, Regular Meeting of the Park Rapids Planning Commission was called to order at 6:00 p.m. by Chair Swanson.

**2. ROLL CALL:** Present: Commissioners, Robb Swanson, Nancy Newman, Scott Hocking and City Council Member Liz Stone. Present via phone: Bruce Johnson. Absent: None. Staff Present: City Administrator Angel Weasner and Planning/Administrative Assistant Carmen L. Lockhart. Others present: Blake Johnson, Zach Thoma, Joanne Schmider, Julie Gray, Carrie Martin, Jack Smythe, Kay Smythe, Andrew and Robin Fish of the Park Rapids Enterprise.

**3. APPROVAL OF AGENDA:** A motion was made by Stone, seconded by Newman, and unanimously carried to approve the agenda as presented.

**4. APPROVAL OF WORKSHOP MEETING MINUTES OF FEBRUARY 22, 2021:** A motion was made by Stone, seconded by Hocking, and unanimously carried to approve the February 22, 2021 as presented.

**5. PUBLIC HEARING:**

**5A. CONTINUE TABLED** Request to consider a Variance request from Blake Johnson for a lot size variance of 9,981.2 + sq. ft. requirements from 20,000 sq. ft. to 10,018.8 + sq. ft. and a lot width variance of 30 ft. from requirements of 80 ft. to 50 ft., for a lot split of an existing legal non-conforming parcel located at 600 Park Ave N, located in an R-2 Single, Two-Family and Townhouse District and the Shoreland Overlay District, PID#32.41.03000.

Weasner advised she has two letters to read into the public hearing, one from Commission Member Bruce Johnson and one from John and Katherine Smythe, the Smythes are present and if they have any additional comments I will ask them to step forward when we open the public hearing.

Lockhart referred the members to page 41 of the packet as the updated staff report from former Planner and the detailed drawing on page 47 of the packet.

**The public hearing was opened at 6:04 p.m.**

Chair Swanson requested Blake Johnson speak if he had anything further to add. Blake Johnson stated since we spoke I had Karvakko Engineers work on this and they came up with an updated analysis which Zack Thoma can explain. I had him come down and do a full detailed drawing on this and so the variance has actually reduced from 50% to 44% and there are some details about the runoff that benefit us on the site.

Johnson said nothing new except the updated amount and Zach will go over the soil and all that stuff and the difference in the site plan that is more drawn to scale than the first original one. Swanson thanked Johnson for the work in getting this together for us.

Zach Thoma of Karvakko Engineering introduced himself. The big thing with the updates to 11,108 sq. ft. rather than the 10,000 number we talked about earlier. The big thing in going from existing to proposed site is lot 1 of the proposed split will be the exactly the same, no changes to that. Lot 2, the impervious area would actually be reduced by about 10% making it environmentally a lot better and not ending up with as much runoff or anything like that. As far as the calculations and whatnot we went through, everything was based on our web soil survey of the area with the USDA's soil information and no surprise with sandy soils is what we came up. In that area it looks like the water table would be well below anything we are looking at so we assumed an infiltration rate of .8 Inches per hour and that's basically just to kind of figure out how big our storage areas need to be so we don't end up with any ponded water. The existing runoff calculation we went through using the exact same information with what was there. The big thing was on lot 2 there would be an existing 4,400 aggregate parking area which we would be taking out and replacing out with the driveway and kind of the building area there which would actually reduce our impervious by almost half which again, that's where we are getting a lot less runoff. With the project also we would be creating the infiltration area which is shown in the front of the yard there, 15 ft. by 60 ft. At it's deepest it would be a foot deep, on average of about 8 inches deep and that would be enough to hold an entire two year rain event. So, theoretically we wouldn't have any run off from a two year event. In an average two year period you wouldn't have a storm big enough to allow any run off from the site. I guess that's what that ends up coming down to. Along with that infiltration area those impermeable pavers which as you can see in detail 2-1 there, there's about six inches of that crushed stone which kind of acts as a storage area for the rainwater as it falls and then it will infiltrate which is what we came up with that .8 inches per hour. It will infiltrate as the rain falls. That storage rate is on the top right corner there, is the proposed storage of 727 cu. ft. That's an instantaneous storage so that would be at one time but that doesn't take into account the infiltration as the rain occurs. Thoma asked is there were any questions?

Swanson asked is there were any other public comments? No one responded. Weasner then asked to read the letters into the record.

City of Park Rapids  
212 Second St. West  
Park Rapids, Minnesota 56470  
Attn: Planning Commission

March 19,2021

Re: Variance Request by John Doe, LLC  
22323 Green Pines Rd.  
Park Rapids, Minnesota

Dear Ms Lackhart

We are adjacent property owners directly to the south and bordering the

property that is the subject of the above variance request.

We continue to object to granting this variance request as the proposed lot size is approximately half of the required square footage for building.

The lot is also 30 feet narrower than zoning requires for building.

Mr. Johnson has incurred no hardship as he knew the size of the lot and of the requirements for building before purchasing the property,

Sincerely,  
John and Katherine Smythe

Weasner was about to read Bruce Johnson's comments when Bruce asked to withdraw his letter and speak verbally as a commission member. Chair Swanson approved the request.

Swanson asked for any other public comments?

Julie Gray introduced herself as Joanne Schmitter's daughter. This is where I'm going to start as far as the 10 feet variance to the property line. From the existing wall of the new structure it will be 10 feet from the property line. There will also be a 4 ft. sidewalk which leaves 6 ft. from the sidewalk to the property line. The average eave length of the structure typically is 2 ft. and it is unknown how many feet the eave will be on the new structure. The concern is the runoff due to the elevated land and the runoff possibly from the home roof. There is approximately 75 ft. of land from the river frontage that is elevated adjacent to our property. Currently we have runoff from the elevation and with the runoff coming from the new structure, it appears possible to create additional runoff. We have lakeshore erosion, river erosion and land erosion – environmental concerns. I'm not sure if at this point I address the parking – the parking is a problem. We have a blind view of pulling out the driveway of bikes and vehicles when we are entering or exiting our driveway. It's a safety issue ever since there has been addition to the building which faces Hwy 71. Our experience has been that cars park in our driveway and we've had to go in and ask them to move their vehicles. I mean it's obstructive. I don't know in front of the business itself if they are going to put signs as far as no parking which takes care of the south view but it doesn't take care of the north view coming down the driveway. The other thing I wanted to address is when the property was assessed, I don't see anything out there as far as markers. Thank you.

Swanson asked for any other public comments? There was no response.

**The Public Hearing was closed at 6:15 p.m.**

Bruce Johnson commented my concern was in keeping with, and I appreciate what Julie said but I also appreciate what the Smythe's have said in that this property, this is not a small variance, it is a large variance and in fact, it will become two variances if I understand it because we are talking about a variance for the lot width for a lake lot or a waterfront lot being roughly half. The other variance that would be

required would be to split that property in two and my concern with that one is under variances and appeals on page 52 of the packet, under variances and appeals, item 2. (d) The plight of the landowner is due to circumstances unique to the property not created by the landowner. Johnson said I think on the issue of splitting this and creating the second variance which is for the smaller business portion of it, it's a zoning issue after that split is caused by the landowner. Johnson said down in staff recommendation findings item (5) it says the applicant proposes to divide the parcel approximately in half to construct a new single-family dwelling on the front portion along the Fish Hook River. The proposed resultant division would create two substandard lot sizes, thereby requiring approval of a variance. Johnson said to me that sort of flies in the face of the issue above 2 (d) where it says the plight of the landowner is due to the circumstances unique to the property not created by the landowner. Johnson said while that may be true of the width of the lot for the lakeshore that would be created by splitting this business portion off and that in fact would be created by the landowner. Johnson stated I just want to make sure while I think that it looks like a nice project and all that. The problem I have is I don't want to set ourselves up for a situation where the city has now shown that they are willing to give a variance in a situation like this and that the next person that comes along could potentially have litigation against the city for not approving something under similar circumstances, that's my concern.

**The Findings of Facts were reviewed. The commissioners came to the following conclusions after further discussion:**

**(A variance may be granted only where the strict application of the Park Rapids Zoning Ordinance will result in practical difficulties and the variance is in harmony with the general purposes and intent of the official controls and is consistent with the comprehensive plan. Practical difficulties exist only upon a positive finding of each of the following criteria, but economic considerations alone do not constitute practical difficulties:)**

1. Does the applicant propose to use the property in a reasonable manner that is prohibited by an official control? **YES**
2. Is the property owner's plight due to circumstances unique to this property, which were not created by the landowner? **NO**
3. Can the variance be granted without upsetting the purpose and intent of the Zoning Ordinance? **NO**
4. Is the variance consistent with the Comprehensive Plan? **NO**
5. Can the variance be granted without altering the essential character of the surrounding area? **NO**

Further Discussions:

Hocking commented he is buying something that is unique because it is a nonconforming lot and he wants to split it to make two nonconforming lots. Swanson agreed.

Swanson said I think granting the variance would upset the zoning, lakeshore ordinance, I mean changing the size minimum and making two lots would upset the

intent of our zoning ordinance. I also think that one thing we haven't really talked about is the lot that wouldn't be built on and how much that would increase its nonconformance so I think it does upset the zoning ordinances.

Bruce Johnson added the variance is so sweeping and broad not just on the one front of having two parcels instead of one but also I think that we are cutting awfully deep on the width of that lot to get this through. When you are approaching 50% or 60% we've undercut that so much that I believe that undermines the zoning ordinance that we put into place and the reason that we don't allow those narrow lots to be built on. I think it opens the door for a problem in the future.

Bruce Johnson stated he was between yes and no to question #5 for the reason you said yes. I can look through one eye and see that but the essential character of the surrounding area has significantly changed in that there is no businesses along there and it's no longer zoned B-1, it's now zoned residential so I think that door has pretty much been closed and that's why I would say you are altering the essential character of the area because even though one day it was business, I believe that's past now. I don't think that's the major argument but that's the answer that I gave.

Stone commented in talking about the essential character yes I can see where it would be appealing to put a residence there however you are going to affect the essential character with potential runoff issues for the neighbors as well as promoting a crowdedness with it on such a narrow lot. This is the greatest variance I believe we have ever been asked to consider.

Swanson commented first, I really appreciate the effort you put into this and what you brought us for this meeting. I think for myself and maybe a couple other commissioners, we think that your plan and what you want to do with it is very honorable and we would love to see that property cleaned up and really work for you. At the same time granting a variance isn't really about what we think or who we know, it has to meet those three standards and if any one of them is not met fully, the city would be liable legally in granting something and we would be setting a precedence that would cause issues for years and years. Whatever the vote is, I would like to encourage you to work with staff, have conversations with staff and hopefully what your vision is, that property can be improved on and become what you are looking for.

Swanson asked for any other comments from the commissioners? Johnson stated he would agree with what Swanson said. Swanson asked if anyone has a motion to approve? There was no motion. Swanson said if there is no motion the Planning Commission denies this application based on the Findings of Fact.

**A motion was made by Stone, seconded by Newman, and unanimously carried to recommend to the City Council Denial of the Variance request from Blake Johnson for a lot size variance of 9,981.2 + sq. ft. requirements from 20,000 sq. ft. to 10,018.8 + sq. ft. and a lot width variance of 30 ft. from requirements of 80 ft. to 50 ft., for a lot split of an existing legal non-conforming parcel located at**

**600 Park Ave N, located in an R-2 Single, Two-Family and Townhouse District and the Shoreland Overlay District, PID#32.41.03000.**

Swanson said I wanted to say and encourage you to meet with Angel. We are all here to do what's best for Park Rapids and see it improve and hopefully we can get there. Johnson said he understands.

Stone said I would just like to apologize that it took this long to get to it. I think that the issue was clouded in the beginning with, we should have just been looking at the two variances and I think our vision got clouded with the conditions that were presented as well as so our focus kind of got away from the actual, what the variance was about and not the conditions that went along with it. We should of as a Planning Commission, I feel, should have developed the conditions or discussed that and not had them presented to us, so I apologize for that. Blake Johnson said that's fine and I respect the people that are here too as well and their feelings towards the project and it's understandable. Stone said like Swanson said we would like to see what we can do and work within the ordinances because I do appreciate your vision, I really do.

Blake Johnson commented for me it's a community project there's pros and cons to it I understand it's asking a lot for a variance and when it comes to the width and size, I did not create that and with respect to the Smythe family, I understand their concerns and the Schmider family as well. My intention was never to do a project that was malice or anything like that in the space that was given.

Swanson said I think it was obvious there was no malice in there at all. Blake Johnson stated you said to work with Angel, I mean to what extent that is, you know just the overall vision was to improve that road and meeting all the requirements of the conditioning for runoff and setbacks and family's views. Like I said some modest paving stones, I just kind of pictured something there but I thank you for me to understand this process as well. It's my first time ever coming in here for this process and the concern of the landowners, I respect that and it's okay.

Swanson thanked Johnson for being here. Swanson said one of the things with variances is that we can't take economic reasoning for our Findings of Fact. So, this is kind of a hard thing to say or even think about but in what we have to decide on. Swanson said an option would be tear down the commercial building and make the lot conforming and then you would be able to build a house. There's options like that, but not what you want to hear. Blake Johnson said it's all open, someone mentioned at the last meeting was something about without the lot split? Swanson said his recommendation is to speak to Angel. Johnson said he doesn't want to do anything against his neighbor's will and in bad taste.

**6. INFORMATIONAL/DISCUSSION: None.**

**7. ADJOURNMENT: A motion was made by Newman, seconded by Hocking, and unanimously carried to adjourn the meeting at 6:44 p.m.**

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Chair Robb Swanson

ATTEST:

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Carmen L. Lockhart  
Planning/Administrative Assistant